# MADRAS REGULATION VIII OF 1817.[1]

[THE MADRAS REVENUE RECOVERY (MILITARY PROPRIETORS) REGULATION, 1817.]

[*9th December 1817.*]

[2] A Regulation for regulating the procedure where the estate of [3] [an officer or soldier] in the Madras Command becomes liable to sale for an arrear of revenue.

**1 to 8.** [*Modification in favour of Native officers and soldiers of the provisions of certain Regulations regarding suits: appointment by them of attorneys to conduct suits: rules to be observed when suits brought against them: grant of leave for purpose of suits: permitted to conduct suits in person: such suits to be taken up at once and speedily decided: notice required when their lands attached.*] *Rep., Central Act X of* 1861.

Registration of proprietors of malguzari estates, being officers or soldiers.

**9.** *First.*—Any registered proprietor of an estate paying revenue to Government, who may be entertained as [4] [an officer] or soldier [5] [in the Madras Command], shall be at liberty to notify to the Collector the rank which he may hold and the designation of the corps to which he may be attached. A record of such notification shall be inserted by the Collector in the public registers and accounts relative to the estate and its assessment; and in cases in which the estate, or a portion of the estate, of [4] [an officer] or soldier who may have made such notification shall become liable to public sale for the recovery of an arrear of revenue, the Collector shall address an official letter to the Commanding Officer of the corps drawn in the form prescribed in No. 5 of the Appendix to this Regulation, and shall enclose in such letter a written notice, signed

Collectors how to proceed if such estates become liable to sale for arrear of revenue.

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[1] Short title, "The Madras Revenue Recovery (Military Proprietors) Regulation, 1817"—*see* the Repealing and Amending Act, 1901 (Central Act XI of 1901).

Section 9 of the Regulation was declared by the Laws Local Extent Act, 1874 (Central Act XV of 1874), section 4 and the second schedule to be in force in the whole of the Presidency of Madras except the territories mentioned in the sixth schedule to that Act.

The Regulation has been declared not to apply to the East Godavari Agency by notification under sub-section (2) of section 52-A of the Government of India Act—*see Fort St. George Gazette*, 1930, Part I, p. 1932.

[2] This title has been substituted for the original title by the Repealing and Amending Act, 1901 (Central Act XI of 1901)—Second Schedule, Part I.

[3] These words were substituted for the words "a native officer or soldier" by the Adaptation (Amendment) Order of 1950.

[4] These words were substituted for the words "a Native officer" by *ibid.*

[5] These words were substituted for the words "on the Military establishment under the Presidency of Fort St. George" by the Amending (Army) Act, 1894 (Central Act XIII of 1894)—Second Schedule.

and sealed by himself and attested by the [1][principal officer] on his establishment, specifying the amount of the arrear and the date on which it became due, and requiring that it be paid at the treasury of the collectorship within such limited period of time as, on consideration of the distance at which the corps may be stationed, and other circumstances of the case, may appear to be proper and reasonable.

Commanding Officer how to proceed on receiving notice.

*Second.*—The Commanding Officer of the corps shall acknowledge to the Collector the receipt of his letter, and shall specify the date on which the notice may have been communicated to the party, or the circumstances which may have rendered it impracticable to make such communication.

Collectors how to proceed when arrears are not discharged in specified time.

*Third.*—If the [2][ ] officer or soldier shall omit to discharge the arrear within the term specified in the notice, the Collector shall report the circumstances of the case to the Board of Revenue, transmitting at the same time a copy of the notice and of his correspondence with the Commanding Officer, and shall be guided in his further proceedings by the orders which he may receive in each case from the Board.

**10.** [*Protection of correspondence by Commanding Officers with Courts on the merits of cases.*] *Rep., Central Act X of* 1861.

## APPENDIX.

### FORMS NOS. 1 TO 4.

[*Repealed by Central Act XII of* 1876.]

### FORM NO. 5.

To

Commanding Officer of the Bat. Regt.

SIR,

I HAVE the honour to inform you that the right of [*A.B.*] in the village [*or* estate] of is about to be sold on account of arrears of public revenue for the year .

In conformity with clause first, section 9, Regulation VIII, 1817, I herewith enclose a written notice to be communicated to said to be an officer [*or* sepoy] in the corps under your command, and who is alleged to be the proprietor [*or* sharer] of the village [*or estate*] in question.

You are requested to acknowledge the receipt of this letter and to state on what day the notice may have been communicated by you to the said , or the circumstances which may have rendered it impracticable to make such communication.

I am, Sir, etc.,

*Dīwānī Adālat,* *Judge.*

[1] These words were substituted for the words "principal Native officer" by the Adaptation (Amendment) Order of 1950.

[2] The word "Native" was omitted by *ibid.*